

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY MASCIANTONIO,                     :  
                    Plaintiff,                     :  
                    v.                                 :Case No. 3:19-cv-203-KRG-KAP  
UNITED STATES OF AMERICA                 :  
                    Defendant                     :

Order

The defendant's motion to dismiss, ECF no. 4, was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.

The Magistrate Judge filed a Report and Recommendation on February 21, 2020, ECF no. 10, recommending that the motion be granted and the complaint be dismissed for failure to state a claim or dismissed *sua sponte* as barred by claim preclusion.

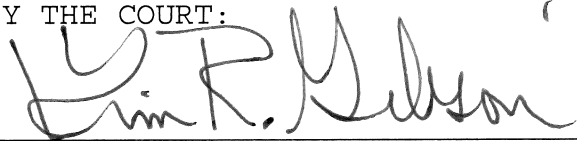
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1) they had fourteen days to file written objections to the Report and Recommendation. Plaintiff filed timely objections at ECF no. 11. Defendant responded to the objections at ECF no. 12, arguing that plaintiff's objections were insufficient to present any objection calling for *de novo* review. The defendant is correct, but I have nevertheless conducted a *de novo* review of the record, the motion to dismiss, and the plaintiff's response thereto.

After *de novo* review of the record in this matter, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 12<sup>th</sup> day of March 2020, it is

ORDERED that the motion to dismiss, ECF no. 4, is granted.  
The Report and Recommendation, ECF no. 10, is adopted as the  
opinion of the Court. The Clerk shall mark this case closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON

UNITED STATES DISTRICT JUDGE